

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* HECTOR)
BALDERAS, Attorney General, and the NEW)
MEXICO ENVIRONMENT DEPARTMENT,)
Plaintiffs,)
v.) Case 6:19-cv-00178-LF-KBM
THE UNITED STATES OF AMERICA and)
THE UNITED STATES DEPARTMENT OF)
THE AIR FORCE,)
Defendants.)

)

**CONSENT MOTION TO EXTEND THE DEADLINE
FOR ANSWERING THE COMPLAINT**

Defendants United States and the United States Air Force (jointly referred to as “the United States”) request that the Court extend the United States’ obligation to answer or otherwise respond to the Complaint filed in this matter on March 5, 2019, until 60 days after New Mexico files an amended complaint. Plaintiff State of New Mexico consents to this request.

As noted in its Complaint, footnote 1, New Mexico intends to amend its Complaint to add a claim under the Resource Conservation and Recovery Act, 42 U.S.C. § 6972(a)(1)(B), following the expiration of 90 days from New Mexico’s notice of intent to sue the United States, which is dated March 5, 2019. The United States stipulates that it will not oppose this

amendment. The requested extension will allow the United States to respond to the Complaint and the Amended Complaint together.

Respectfully submitted,

/s/ Eileen T. McDonough

David Mitchell
Eileen T. McDonough
Environmental Defense Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044
(202) 514-0165
(202) 514-3126
david.mitchell@usdoj.gov
eileen.mcdonough@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all counsel of record by the Court's electronic filing system on May 2, 2019.

/s/ Eileen T. McDonough